

PERSONAL LEAVE INSTEAD OF SICK LEAVE

EXECUTIVE DEVELOPMENT

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An applied research project submitted to the National Fire Academy
As part of the Executive Fire Officer Program

November 2001

ABSTRACT

The problem was the paid time off benefit provided by the Tulsa Fire Department's current sick leave policy does not adequately meet the diverse needs of a modern workforce.

The purpose of this research project was to develop a personal leave policy that more adequately meets the needs of the workforce to replace the current sick leave article in the Collective Bargaining Agreement between the City of Tulsa, Oklahoma and the International Association of Fire Fighters Local 176.

This was an action research project. The research questions were:

1. What are some of the paid time off needs of a modern workforce?
2. What are some of the ways these needs are being addressed?
3. What is required to change the current sick leave policy of the Tulsa Fire Department?

The procedures included a literature review for books, journal, research papers, and other relevant publications in several library locations and on-line library card catalogs.

Then a manual survey of 63 International Association of Fire Fighter's contracts in Oklahoma was conducted, as well as a World Wide Web search for pertinent employee benefit information, an a new personal leave policy was developed.

The results showed that a change in the workforce demographics was accompanied by a change in time off needs and desires. It also showed a trend of employers trying to meet those changing needs. The results also explained the collective bargaining process required to change the sick leave policy.

The recommendation was for the Tulsa Fire Department's Sick Leave Policy to be replaced by the new Personal Leave Policy, and for future readers to work toward making employee benefits meet employee needs.

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INTRODUCTION

The problem is the paid time off benefit provided by the Tulsa Fire Departments current sick leave policy does not adequately meet the diverse needs of a modern workforce.

The purpose of this research project is to develop a personal leave policy that more adequately meets the needs of the workforce to replace the current Sick Leave Article in the Collective Bargaining Agreement between the City of Tulsa, Oklahoma and the International Association of Fire Fighters Local 176.

This is an Action Research Project. The research questions are:

1. What are some of the paid time off needs of a modern workforce?
2. What are some of the ways these needs are being addressed?
3. What is required to change the current sick leave policy of the Tulsa Fire Department?

BACKGROUND AND SIGNIFICANCE

The Tulsa Fire Department currently administers its sick leave policy according to Article 21 of the Collective Bargaining Agreement between the City of Tulsa and the International Association of Fire Fighters Local 176. Article 21 governs how sick leave time is accrued, expended, and or converted upon death, retirement or termination. Under this article sick leave can only be used for personal illness or injury, the illness or injury of a spouse or child, or for doctor's appointments.

There are three areas of the sick leave policy that have been and continue to be a growing source of contention between the Union and the Fire Department Administration.

First is the requirement for employees to provide a medical release to their supervisor if they have been on sick leave in excess of two 24-hour shifts. The problem this presents is

economic in nature. The Union established an Insurance Trust Fund to provide retirees with no cost health insurance. That trust fund pays for the health insurance premiums for all members with money provided from the City of Tulsa and from the members. The insurance agent has the duty of educating all of the members on judicious use of the benefits for cost savings purposes. That agent recommends that plan members use over the counter medications for routine illnesses such as colds that cannot be cured with the help of a doctor. Allowing these illnesses to run their course, with or without seeing a doctor, could take more than seven days, surpassing the two 24-hour shift trigger. In this case, going to the doctor for a medical treatment costs the trust fund \$45.00 and the employee also pays an additional \$15.00, unnecessary expense that contributes to the rising costs of health care, plus the time it takes for an office visit.

The second and third areas of contention are the supervisor having authority to require a medical release if there has been a pattern of absenteeism, or if the supervisor has other reason to suspect abuse. The subjective nature of this language makes it difficult for supervisors and employees to have a clear understanding of, or to reach an agreement on, what defines a pattern of absenteeism or a reason to suspect abuse. It is also difficult to ensure that all employees are held to the same standard by all supervisors, a situation that could leave the department open to grievances and lawsuits.

Other problems associated with the administration of the sick leave policy include; the time and effort spent by supervisors to police the use of sick leave that could be spent on other problems, strained relations between employees and supervisors as well as between the Union and Management, and employees not wanting to be accused of abusing sick leave coming to work sick and spreading their illness to others.

There are trends seen in the general workforce in America over the last thirty years that are also significant to this issue. Primarily, the research indicated that the demographic make up of the American workforce, and their associated paid time off needs and desires, are changing. According to the Bureau of Labor Statistics (1992) the percent of married couple families with both spouses working rose from about 48% in 1970 to over 60% by 1990, and single parent families rose from about 13% to about 25%. These changes in the workforce are just some of those that can result in employees with more day-to-day responsibilities outside of work such as routine care for children or elderly parents (Johnson, 1992).

It is also interesting to note that along with these changing time off needs, a survey was commissioned by CCH Incorporated (a company that provides tax and business law information and software) of 150 American human resource executives that indicated as many as 60% of those employees that call in sick are not actually sick. (Keller, 2000).

The current sick leave policy for the Tulsa Fire Department has no provisions to address any of these expanding time off needs. Furthermore, there appears to be no chance of improving the situations discussed without first changing the associated policies.

This applied research project relates to the Labor Relations Unit of the National Fire Academy's Executive Development Course in the Executive Fire Officer Program. The Labor Relations Unit covers issues of collective bargaining, and this project will produce a proposal for the collective bargaining process and a plan to implement it.

LITERATURE REVIEW

The purpose of this literature review is to gather information that would be helpful in understanding the time off needs of today's workforce and the types of solutions that

are available, so a policy that adequately meets those needs can be developed for the Tulsa Fire Department.

In order to understand the time off needs of today's workforce it is necessary to review some of the changes that have occurred in the demographic make-up of that workforce.

According to the Bureau of Labor Statistics (1992), the number of families with two working parents and the number of one parent families with that parent working is on the increase, and these families may have needs in areas such as childbirth and childcare that are not met by traditional benefit plans. Changes have also occurred in the levels of education and expectations of the workforce (Degenzo, Holviak, 1990). This same source goes on to talk about employees expecting more than just money from their employers, and the importance of non-traditional factors to employees such as flexibility in handling personal matters and leisure time.

Workers expectations are addressed again, in two ways, by Mirvis (1993). First, in a report on a 1991 survey of U.S. office workers that showed 81% rated flexible work hours as either very important or somewhat important. Second, simply that employees "want, need, and expect" more flexible work schedules (Mirvis, 1993, P.34).

Other aspects of this review explained some of the more specific time off needs of today's workforce. Particularly the need to care for elderly parents (Johnson, 1992) and the need to attend routine school activities like parent/teacher conferences (Bureau of Labor Statistics, 2000).

As to the point of what some solutions to these time off needs might be, the review yielded information on a wide array of benefits designed with these problems in mind. Some companies are providing parental leave, childcare, and flexible benefits programs (B.L.S., 1992). Others are offering flextime, is a concept that allows work time to be scheduled around some

family responsibilities (Mirvis, 1993). Mirvis said, “Flexible companies pay attention to the entirety of an employees life and adapts itself to enhance the “fit” between different kinds of people and their work, and nonworking roles” (Mirvis, 1993, P. 123).

Many small businesses have for some time offered nontraditional benefits to their employees, allowing them the flexibility to arrange their work time around their need for time off to deal with personal matters or leisure time. (Degonzo and Holoviak, 1990).

Some flexible benefit plans include paid time off programs that allow time off for childcare and eldercare, and the selling back of unused elective days at the end of the year (Johnson, 1992).

The Bureau of Labor Statistics explains that two-fifths of all full time state and local government employees get paid personal leave that can be used for reasons not covered by other benefits (B.L.S. Employee Benefits In State and Local Government, 2000).

Some employers, in an effort to meet the time off needs of their employees, provide floating holidays that can be taken at the employees discretion. Others provide two or three days of personal leave, also available at the employee’s discretion (Beam and McFadden, 2001).

In summary, the reviewed literature had much influence on this applied research project. It has verified through studies of the national workforce some of the things I have believed to be true about the workforce of the Tulsa Fire Department. Specifically in the areas of changing time off needs and desires. It has also identified both widely accepted and unique solutions to meet these changing needs. The information provided from these sources will help mold the policy produced by this research effort.

PROCEDURES

The goal of this applied research project was to develop a Paid Personal Leave Policy to replace the current Sick Leave Policy of the Tulsa Fire Department.

The three research questions were answered through the use of a variety of research tools. First a literature review was conducted that included the learning resource Center (LRC) at the National Fire Academy in Emmitsburg, Maryland in May of 2001. Included in that search were existing Executive Fire Officer Program (E.F.O.P.) research papers, books, journal articles, and other relevant titles. Also, between June and November of 2001, searches were conducted at the Tulsa County Library, the Online Card Catalogs for the Oklahoma City Metro Library, the Tulsa Community College Library, and the Library of Congress.

The next step was to review the Collective Bargaining Agreements of all 63 International Association of Fire Fighters (IAFF) Locals covered by the Oklahoma Fire and Police Arbitration Act (O.F.P.A.A.). This was conducted at the office of the Professional Fire Fighters of Oklahoma (P.F.F.O.) in Oklahoma City. The P.F.F.O. maintains current copies of all 63 Oklahoma I.A.F.F. Local Contracts. This review was conducted to see if there were any paid time off provisions in lieu of or in addition to sick leave benefits.

I chose to conduct this manual survey of the contracts in lieu of sending survey questionnaires to each of the 63 Locals for two reasons. First, as a matter of convenience. With current contracts on hand and at my disposal it seemed a waste of everyone's time to send surveys to the Locals and have them answer questions that would duplicate the contracts I already had at my disposal.

Second, as a matter of thoroughness, having the entire contract article available to review rather than just a short answer provided on a returned survey form seemed to be a better process. It also ensured a 100% participation rate of all 63 Locals.

Then a World Wide Web search was conducted on the Google.Com search engine for the key words: personal leave, paid time off, employee benefits, and personnel benefits. Over 14,000 results were returned listing individual businesses and what they offered their employees for paid time off benefits. It was not possible to review all of these results. However, several visits back to these results were made in an attempt to gather as much of the information as was possible..

My own knowledge of the collective bargaining process and laws in Oklahoma was used to determine what would be required to change Tulsa's current sick leave policy. This knowledge comes from serving on the Tulsa I.A.F.F. Local Executive Board for 10 years and on the P.F.F.O. Executive Board for 8 years. Someone without this direct knowledge could get this information from any I.A.F.F. Local Board Member or from any municipality's Human Resource Department, whether that municipality has a Collective Bargaining Agreement or not.

The current Sick Leave Article in Tulsa's Contract was reviewed to determine if it could be altered to meet the requirements of a paid Personal Leave Article or if an entirely new article needed to be written.

A new Personal Leave Article was produced (Appendix D) using much of the current sick leave language (Appendix C), altering and adding new language where needed.

With the goal of this project being to replace a current contract article, these procedures should address an action plan that would help achieve that goal.

The first step of the action plan will be to submit the new paid Personal Leave Article to Tulsa's Local 176 Executive Board in an attempt to get it approved as a proposal for next years contract negotiations. Next, an attempt will be made to have the Local members approve the article as a contract proposal at a regular local meeting.

Contract negotiations are always easier if individuals from both parties in the contract are working toward the same goals. With this in mind, the new Paid Personal Leave Article will also be presented to the Fire Chief and other Fire Department Administrative Chief Officers in an attempt to gain their support for the Article and their help in selling the idea to the City Administration.

Once the Article makes it to the negotiating table, both parties have the ability to alter it. Every effort will then be made to see that no changes are allowed that would diminish the Articles ability to meet the needs it was designed for.

After the new Paid Personal Leave Article is agreed to by both parties, it will be added to any other agreed-to-changes in the contract and sent to the membership for ratification.

Limitations

The goal of producing a contract article for a specific agreement under specific laws and for a specific purpose, narrowed the projects focus to the point that the Literature Review was only good for getting a general idea of what the larger American workforce needs and expects in a paid personal leave benefit, and a general idea of how employers are meeting those needs and expectations.

The review of I.A.F.F. contracts was limited to only 63 out of the over 5,000 I.A.F.F. contracts in North America. However, the 63 that were reviewed represent 100% of the Locals

that negotiate under the Oklahoma Fire and Police Arbitration Act, and contract provisions in other jurisdictions may or may have been applicable in Oklahoma.

The web search conducted at Google.Com yielded a great deal of information about what employers are offering in the area of paid personal leave. However, with over 14,000 results, there was not enough time to review them all.

The greatest limitation of course is the collective bargaining process itself. Even with a policy written, there is no guarantee it will ever become a part of the contract.

Definition of Terms

Flexible Benefits - A Plan where employees have some flexibility in how and where the money for their benefits is spent.

Flextime - A plan that allows employees flexibility in their scheduled work hours.

Workforce - The people that make up the employee groups.

Personal leave – Time off work for personal reasons.

Floating holidays – Time off work taken at employee discretion, usually deducted from the total number of paid holidays.

Oklahoma Fire and Police Arbitration Act – A Statute of Oklahoma State Law that covers Collective Bargaining laws for Fire and Police.

Professional Fire Fighters of Oklahoma - An organization of Fire Fighter Unions.

Collective Bargaining Agreement – A legal contract.

RESULTS

The results of this research project can be reviewed by looking at how the procedures used were able to answer the research questions.

Question 1

What are some of the paid time off needs of a modern work Force? The literature review revealed that changes in the demographic make-up of the workforce, like more households with both parents working or more single parent households with that one parent working, have resulted in a workforce that needs time away from work for family related activities such as childcare, elder care, and school related matters. (B.L.S., Compensation and Working Conditions, 2000) (Johnson, 1992).

The review also pointed out that the education levels of the workforce have increased, and what the workforce expects from its employers has also increased. (Degenzo, Holoviak, 1990) (Mirvis, 1993) Those increased expectations include more flexibility in time off for family matters, personal matters, and leisure activities (Degenzo, Holoviak, 1990). One survey even said 81% of the office workers asked, rated flexible work hours as very important or somewhat important. (Mirvis, 1993, P. 35).)

It is clear that today's workforce wants and needs the flexibility to take time off work, with pay, to take care of family, personal, or leisure activities that may not be able to be scheduled in advance. It also seems clear that many employees in the workforce use traditional sick leave benefits to meet their non-sick time off needs (Keller, 2000).

Question 2

What are some of the ways these needs are being addressed? Both the literature review and the World Wide Web search provided good answers to this question. The Literature Review pointed out that the small business practice of allowing flexibility for employees to arrange work time around the needed time for personal matters or leisure time, is now moving into larger companies like Xerox, (Degenzo and Holoviak, 1990). The review also brought to light the fact

that there are benefit plans available that provide paid time off for childcare and eldercare needs (Johnson, 1992). Other benefit plans included such things as time off for parent/teacher meetings (B.L.S. 1998, 2000), and paid personal leaves in the form of personal days or floating holidays that could be taken at the employees discretion (Beam and McFadden, 2001).

The Web search produced a list of organizations that provide some flexibility to their employees in the area of paid time off. Some of those organizations studied include: SAS, Caliper Technologies, Mitretec, Carnegie Mellon University, Radisys, Avista Hospital, the N.C.A.A., and Stanford University. SAS provided personal days for personal or family illness or other situations (SAS, 2001). Caliper Technologies offered five sick days per year and five flex days, as well as vacations and holidays (Caliper Tech, 2001). Mitretek benefits included sick days, holidays, vacation days, along with floating holidays and personal time (Mitretek, 2001). Carnegie Mellon University offers paid time off for vacations, illness, holidays, 3 floating holidays, personal time, and dependent care (Carnegie Mellon, 2000). Radisys has sick days, and between 12 and 29 days per year (depending on length of service) of flextime that can be used for vacation, personal days, medical appointments, or personal illness (Radisys, 2001). At Avista Hospital, employees earn paid leave at a rate of 8 hours per 80 hours worked. They can use that leave at their discretion (Reiner, 1995). The N.C.A.A. provides vacations, sick time, holidays, and 3 personal days per year (N.C.A.A., 2001). Finally, Stanford University provides the usual time off benefits plus 3 personal days per year (Stanford, 2001).

The research indicates that the nations employers are working to meet the unique time off needs of the workforce by providing an endless assortment of paid time off benefits designed to meet those needs.

The review of the contracts for the 63 Oklahoma I.A.F.F. Locals did produce some information about personal leave benefits. Of the 63 contracts reviewed only 4 had provisions for personal leave or the flexibility to use other paid time off for personal reasons. Ardmore offers 1 personal day per year and it must be scheduled in advance. Hugo also offers 24 hours of personal leave per year that is deducted from sick leave time, and it must be scheduled in advance. Miami offers the same option as Hugo. Midwest City has 240 hours of personal leave per year in lieu of sick leave.

The Fire Service, at least in Oklahoma, seems to be slower to respond to the changing needs of the workforce. This may lend credence to the old adage that the Fire Service represents 200 years of tradition unencumbered by progress.

Question 3

What is required to change the current sick leave policy of the Tulsa Fire Department? Since the current policy is actually an article in the Collective Bargaining Agreement between the City of Tulsa and the I.A.F.F. Local 176, a change would require both parties of the contract to agree to the change. This would have to be done through the collective bargaining process as a part of the regular contract negotiations. The first step taken to reach that goal was using this research project to gather enough information to develop the Personal Leave Article (Appendix D). This Personal Leave Article will retain all of the provisions of the current Sick Leave Article (Appendix C), with the following exceptions everywhere the term “sick leave” appears it will be changed to “personal leave”. Section 21.4 Sick Leave Use, will have paragraphs A, B, C, D, and E deleted and replace with the language: Personal leave shall be used at the employee’s discretion. This will eliminate the guidelines that described what the sick leave benefit could be

used for. Section 21.6 will have paragraphs E, F, and G deleted. This will eliminate the requirements for medical releases and the investigations of alleged abuse.

DISCUSSION/IMPLICATIONS

The result of the research pertaining to what some of the workforces time off needs are is consistent throughout most of the sources. It was also consistent with my own observations from 22 years on the Tulsa Fire Department, as to some of the reasons employees need time off from work other than for illnesses. I think the workforce in America today is more educated, more motivated, and has more marketable job skills than the workforce in past years. This, coupled with a low unemployment rate, results in a workforce that while comfortable with its pay and traditional benefits, can be (and is) more demanding in terms of nontraditional benefits. Particularly in the areas of having the freedom to take time off work when they want or need it. These ideas are supported by Degenzo and Holoviak, when they stated "Today's workers expect more than just an hourly wage or a salary from their employer", and also when they point out that inadequate benefits can lead to dissatisfaction, absenteeism, or turnover (Degenzo, Holoviak, 1990).

Pertaining to what some solutions to these time off needs might be, it seems that employers are bending to the will of this empowered workforce.

Some of the research supports my belief that employers are working hard to meet their employees time off needs. For instance, about two-fifths of all employees now get some kind of paid personal leave (B.L.S., 1998,2000), and 35% of all public employees in 1998 were receiving some type of personal leave benefit. It has also been said that "Today's benefit offerings are more widespread, more creative, and clearly more abundant" (Degenzo and

Holoviak, 1990, P.2). Additionally, Beam and McFadden list paid personal time off as one of the more common benefits (Beam and McFadden, 2001). Furthermore, some companies are now providing floating holidays, or personal leave days that the employees can use whenever they choose (Beam and McFadden, 2001).

The information gathered and reviewed through this research project lead me to develop a very uncomplicated view of the issues. People want the freedom to take unscheduled time off work for reasons other than illness. Employers could accommodate this desire by simply allowing employees to also use their sick leave for reasons other than illness. Some employers are accomplishing this by renaming sick leave as personal time, or floating holidays, or paid time off banks (Beam and McFaddon, 2001), but the effect is the same.

It was this uncomplicated view of the issues that helped the most in developing the new Personal Leave Article for the Tulsa Fire Department. There was no need to alter how the time was accrued, or converted, or many of the other administrative points of the Article that serve their function well. Only the areas that restricted what the benefit could be used for, and the areas dealing with medical releases and investigating alleged abuses, needed to be deleted or altered to produce the desired policy.

The organizational implications if this Personal Leave Article is approved by the parties and replaces the current sick leave policy would, I believe, be very positive. Managers would no longer need to worry about or investigate whether or not employees were abusing their sick leave benefit. Employees would no long be required to spend their own, or the Insurance Trust Funds money on unnecessary doctors visits. Employees could take unscheduled time off for reasons other than illness without violating the contract. All of these results would help to develop better relations between employees and supervisors, and between the Union and management.

These results would also help employees to better fit their work and their nonworking roles together (Mirvis, 1993), making for a more satisfied workforce.

The organizational implications if the sick leave policy remains the same would, I believe, be negative. Employees and supervisors would likely continue on a contentious path. The strain on work relations would continue. Unnecessary expenses would continue to be incurred, and the needs and desires of the workforce would not be addressed.

RECOMMENDATIONS

It is recommended that the City of Tulsa and the members of I.A.F.F. Local 176 replace the current Sick Leave Article in the Collective Bargaining Agreement with the Personal Leave Article that was developed as a result of this research project (Appendix C). This recommendation is based on the research conducted that describes a need to change the benefits provided to meet today's changing needs (Degenzo and Holoviak, 1990), and on the belief that these changes would create a policy that meets the needs of the workforce. This would result in the original problem being solved and the purpose of this project being fulfilled.

The recommendations for anyone searching for answers to employee benefits questions are: Find out what the employees wants and needs are, then try to find ways to accommodated those wants and needs. You will probably find that the harder the employer works to help the employees, the harder the employees will work to help the employer.

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APPENDIX A

List Of Surveyed Contracts

Town	I.A.F.F. Local	Town	I.A.F.F. Local	Town	I.A.F.F. Local
Ada	2298	Enid	3722	Ponca City	2479
Altus	2749	Fredrick	3104	Pryor	3567
Alva	3782	Glenpool	2990	Purcell	3596
Anadarko	2907	Guthrie	2145	Sand Springs	2173
Ardmore	1881	Henrietta	2788	Sapulpa	194
Bartlesville	200	Hugo	3199	Seminole	2581
Bethany	2085	Jenks	2567	Shawnee	1628
Bixby	2651	Kingfisher	3434	Skiatook	4067
Blackwell	4009	Lawton	1882	Spencer	4050
Bristow	3613	McAlester	2284	Stillwater	2095
Broken Arrow	2551	Miami	1969	Tonkawa	3977
Chickasha	2041	Midwest City	2066	Tulsa	176
Claremore	1077	Moore	2047	The Village	3958
Cleveland	3933	Muskogee	0057	Vinita	2814
Collinsville	3310	New Castle	3910	Warr Acres	2374
Coweta	3483	Nichols Hills	2115	Wewoka	3693
Cushing	2565	Noble	2920	Woodward	2560
Del City	2171	Norman	2067	Yukon	2055
Duncan	2929	Oklahoma City	157		
Durant	3061	Okmulgee	2839		
Edmond	2359	Owasso	2789		
El Reno	2367	Pawhuska	3887		

APPENDIX B**Contract Survey Results****Total Number of Contracts Surveyed****63****Percent of I.A.F.F. Contracts Under the Oklahoma Fire
and Police Arbitration Act Represented****100%****Results of the Question:****Does the contract have provisions for personal leave time other than sick leave?****YES****4****NO****59**

APPENDIX C

ARTICLE 21 – SICK LEAVE

Section 21.1 Employees shall be governed by the following provisions relating to the accrual and expenditure of sick leave.

Section 21.2 Sick leave shall be accrued according to the following provisions:

A. On the first day of the month which coincides with or next follows completion of the probationary period, twenty-seven (27) day work period, 24 hours shift schedule employees shall be credited with six (6) twenty-four (24) hour shifts. Seven (7) day work period, 8 hour shift schedule employees shall be certified with thirteen and eighty-six hundredths (13.86) eight (8) hour shifts of sick leave.

B. Sick leave shall thereafter be accrued on a completed calendar month basis. Each Employee covered by this Agreement shall accrue paid sick leave at the rate of twelve (12) hours (24-hour shift Employees) or nine and twenty-three hundredths (9.23) hours (8-hour shift Employees).

C. The amount of sick leave credited to an Employee shall be reduced by one-half (1/2) of a twenty-four (24) hour shift, or one and sixteen hundredths (1.16) eight (8) hour shifts, 1293.6 hours, (as appropriate).

D. All crediting of sick leave shall be subject to a maximum of seventy (70) twenty-four (24) shifts, 1680 hours, or one hundred sixty-one and seven tenths (161.7) eight (8) hour shifts, 1293.6 hours, (as appropriate).

Section 21.3 Employees who transfer from a position which has a twenty-seven (27) day work period, 24 hour shift schedule, to a position which has a 7 day work period, 8 hour shift schedule shall have their accrued number of sick leave shifts increased by multiplying such accrued leave by the factor of 2.31. Employees working seven (7) day work period, 8 hour shift schedule, who transfer to a position with a twenty-seven (27) day work period, 24 hour shift schedule, shall have their number of sick leave shifts decreased by dividing by the factor of 2.31.

Section 21.4 Sick leave shall be used:

A. When Employees are incapacitated by sickness or non-job-related injury;

B. For medical, dental or optical diagnosis or treatment;

C. After exposure to a contagious disease when the attendance at duty, in the opinion of the City Physician, jeopardizes the health of others;

D. In the event of sickness or injury to a member of an Employee's immediate family, defined as the Employee's spouse, son or daughter, which is serious enough to warrant the presence of the Employee as certified by the attending physician, Employee's shall be granted up to eight (8) twenty-four hour shifts, or nineteen (19) eight-hour shifts off with pay per contract year for purposes of caring for immediate family members. Additionally if the family illness is a qualifying occurrence under FMLA statutory provisions, an employee may utilize annual leave after the use of available and appropriate sick leave benefits as provided above in this subsection.

E. When sick leave is used for medical, dental or optical diagnosis or treatment where the Employee is not incapacitated, he shall return to duty upon completion of the diagnosis or treatment s determined by the Employee's attending physician.

Section 21.5 Sick leave with pay shall be granted to Employees in accordance with the following provisions:

A. Sick leave used shall not exceed the total amount accrued to the Employee at the time of his absence.

B. Leave without pay may be granted for sickness extending beyond the amount of accrued sick leave.

C. Sick leave shall be expended in no less than one (1) hour units.

D. Holidays and other nonscheduled work days shall not be included in computing sick leave expenditures.

E. Sick leave shall not be used to extend an absence for an on-the-job injury after injury leave is exhausted.

Section 21.6 Sick leave shall be governed by the following provisions:

A. Accrued sick leave shall not be paid to an Employee upon separation, nor shall sick leave be converted to annual leave. Except that Employees whose service is terminated for reason of retirement or death shall be paid for any sick leave accrued in excess of fifty-five (55) twenty-four (24) hour shifts for twenty-seven (27) day work period Employees or one hundred twenty-seven and five one-hundredths (127.05) eight (8) hour shifts for seven (7) day work period Employees. In the event of the death of an Employee, the above-mentioned sick leave shall be paid to the beneficiary designated on life insurance policy provided by Employer.

B. An Employee not in a reserve status who leaves his employment with the Tulsa fire Department for military service and applies for reemployment with

fifteen (15) days after rejection or ninety (90) days after honorable discharge from military service shall have his former unused sick leave credits reinstated if he is rehired within one (1) year from the date of reapplication.

C. An Employee who is laid off and returns to City employment within one (1) year from the date of layoff shall also have his former unused accrued sick leave reinstated.

D. Reporting of Sickness: An Employee who is absent from duty for reasons which entitle him to sick leave shall notify his Commanding Officer, or, if his Commanding Officer cannot be notified, his District Chief, prior to his usual reporting time, if physically able to do so. If an Employee knows he is going to be absent for more than one (1) day, he shall notify his Operations Chief of such specified days. An Employee who continues to be physically unable to perform his normal duties shall be required to present each thirty (30) calendar days a physician's statement to his Operations Chief confirming his continued inability to perform his normal duties. The Operations Chief may at any time request a medical opinion from the City Physician regarding the Employee's ability to continue or return to work.

E. The physician's release shall contain the dates that the Employee was under the physician's care and a general statement of the Employee's problem for which he was being treated. Employer reserves the right to require a physician's release to confirm any sick pay claim in accordance with the following provisions:

A member shall provide a medical release to his supervisor before returning to duty when he has been on sick leave in excess of either two (2) consecutive 24 hour shifts or five (5) consecutive 8 hour days. The supervisor shall require a doctor's statement for less than two (2) shifts or five (5) days if there has been a pattern of absenteeism or if the supervisor has other reason to suspect abuse. The supervisor will not require a release if he has knowledge sick leave has been used legitimately.

F. Nothing herein shall prohibit the management of the Tulsa Fire Department from investigating alleged abuses of sick leave.

G. Nothing herein shall supersede nor replace the Agreement and Regulation of the Tulsa Fire Department concerning sick leave administration.

Section 21.7 Employees who use no sick leave during the contract year shall receive the following additional shifts of annual leave: twenty-seven (27) day work period Employees two (2) shifts, seven (7) day work period Employees four and sixty-two hundredths (4.62) shifts. Twenty-seven (27) day and seven (7) day work period Employees who use only one shift sick leave during the year will receive one (1) or two and thirty-one hundredths (2.31) additional shifts of annual leave, respectively.

APPENDIX D

ARTICLE 21 – PERSONAL LEAVE

Section 21.1 Employees shall be governed by the following provisions relating to the accrual and expenditure of personal leave.

Section 21.2 Personal leave shall be accrued according to the following provisions:

A. On the first day of the month which coincides with or next follows completion of the probationary period, twenty-seven (27) day work period, 24 hours shift schedule employees shall be credited with six (6) twenty-four (24) hour shifts. Seven (7) day work period, 8 hour shift schedule employees shall be certified with thirteen and eighty-six hundredths (13.86) eight (8) hour shifts of personal leave.

B. Personal leave shall thereafter be accrued on a completed calendar month basis. Each Employee covered by this Agreement shall accrue paid personal leave at the rate of twelve (12) hours (24-hour shift Employees) or nine and twenty-three hundredths (9.23) hours (8-hour shift Employees).

C. The amount of personal leave credited to an Employee shall be reduced by one-half (1/2) of a twenty-four (24) hour shift, or one and sixteen hundredths (1.16) eight (8) hour shifts, 1293.6 hours, (as appropriate).

D. All crediting of personal leave shall be subject to a maximum of seventy (70) twenty-four (24) shifts, 1680 hours, or one hundred sixty-one and seven tenths (161.7) eight (8) hour shifts, 1293.6 hours, (as appropriate).

Section 21.3 Employees who transfer from a position which has a twenty-seven (27) day work period, 24 hour shift schedule, to a position which has a 7 day work period, 8 hour shift schedule shall have their accrued number of personal leave shifts increased by multiplying such accrued leave by the factor of 2.31. Employees working seven (7) day work period, 8 hour shift schedule, who transfer to a position with a twenty-seven (27) day work period, 24 hour shift schedule, shall have their number of personal leave shifts decreased by dividing by the factor of 2.31.

Section 21.4 Personal leave may be used:

A. At the employees discretion;

B. If a family illness is a qualifying occurrence under FMLA statutory provisions, an employee may utilize annual leave after the use of available and appropriate personal.

Section 21.5 Personal leave with pay shall be granted to Employees in accordance with the following provisions:

- A. Personal leave used shall not exceed the total amount accrued to the Employee at the time of his absence.
- B. Leave without pay may be granted for sickness extending beyond the amount of accrued personal leave.
- C. Personal leave shall be expended in no less than one (1) hour units.
- D. Holidays and other nonscheduled work days shall not be included in computing personal leave expenditures.
- E. Personal leave shall not be used to extend an absence for an on-the-job injury after injury leave is exhausted.

Section 21.6 Personal leave shall be governed by the following provisions:

- A. Accrued personal leave shall not be paid to an Employee upon separation, nor shall personal leave be converted to annual leave. Except that Employees whose service is terminated for reason of retirement or death shall be paid for any personal leave accrued in excess of fifty-five (55) twenty-four (24) hour shifts for twenty-seven (27) day work period Employees or one hundred twenty-seven and five one-hundredths (127.05) eight (8) hour shifts for seven (7) day work period Employees. In the event of the death of an Employee, the above-mentioned personal leave shall be paid to the beneficiary designated on life insurance policy provided by Employer.
- B. An Employee not in a reserve status who leaves his employment with the Tulsa fire Department for military service and applies for reemployment with fifteen (15) days after rejection or ninety (90) days after honorable discharge from military service shall have his former unused personal leave credits reinstated if he is rehired within one (1) year from the date of reapplication.
- C. An Employee who is laid off and returns to City employment within one (1) year from the date of layoff shall also have his former unused accrued personal leave reinstated.
- D. Reporting of Absence: An Employee who is absent from duty for reasons which entitle him to personal leave shall notify his Commanding Officer, or, if his Commanding Officer cannot be notified, his District Chief, prior to his usual reporting time, if physically able to do so. If an Employee knows he is going to be absent for more than one (1) day, he shall notify his Operations Chief of such specified days. An Employee who continues to be physically unable to perform

his normal duties shall be required to present each thirty (30) calendar days a physician's statement to his Operations Chief confirming his continued inability to perform his normal duties. The Operations Chief may at any time request a medical opinion from the City Physician regarding the Employee's ability to continue or return to work.

Section 21.7 Employees who use no personal leave during the contract year shall receive the following additional shifts of annual leave: twenty-seven (27) day work period Employees two (2) shifts, seven (7) day work period Employees four and sixty-two hundredths (4.62) shifts. Twenty-seven (27) day and seven (7) day work period Employees who use only one shift personal leave during the year will receive one (1) or two and thirty-one hundredths (2.31) additional shifts of annual leave, respectively.